GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Boarder Check Post of Commercial Tax Department, Pondugula, Dachepalli Mandal, Guntur District on 15-03-2016 – Allegations of Corruption – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri M.Rambabu, Deputy Commissioner (Commercial Taxes), Guntur-II Division(now retired) - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.709 **Dated:30-05-2018**

Read the following:

Ref: 1) From DG ACB, C.No.80/DES-VGT/2016-S.17, dt.28.04.2018.
2) G.O.Ms.No.278, Rev(Vig.II) Dept, Dt.30-05-2018.

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O R D E R :

Whereas in the reference 2nd cited, sanction was accorded under sub-clause (1) of clause (b) of sub-rule (2) of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 to initiate departmental proceedings in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 by the Government against Sri Meda Rambabu, S/o Sreeramulu, Deputy Commissioner (Commercial Taxes), Guntur-II Division (Now Retired from service on 31-12-2017) for irregularities noticed against him during the surprise check conducted over the Boarder Check Post of Commercial Tax Department, Pondugula, Dachepalli Mandal, Guntur District on 15-03-2016.

2. In continuation of the orders issued in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri M.Ramababu, Deputy Commissioner (Commercial Taxes), Guntur-II Division (now retired from service) under Rule 20 of the said rules.

3. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

4. Sri M.Ramababu, Deputy Commissioner (Commercial Taxes), Guntur-II Division (now retired) is directed to submit within ten days of the receipt of this order a written statement of his defense.

5. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

6. Sri M.Ramababu, Deputy Commissioner (Commercial Taxes), Guntur-II Division (now retired) is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri M.Ramababu, Deputy Commissioner (Commercial Taxes) (now retired) (with Enclosures Annexures I to IV) **through** Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government).

Copy to

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Andhra Pradesh, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Guntur.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST MEDA RAMBABU, DEPUTY COMMISSIONER OF COMMERCIAL TAXES DEPARTMENT, GUNTUR-II DIVISION (NOW RETIRED)

That Sri Meda Rambabu, S/o Sreeramulu, has joined in Government Service on 10-11-1981 as Assistant Commercial Tax Office and worked at Visakhapatnam. Subsequently he was promoted as Deputy Commercial Tax Officer on 06-07-1991 and worked as Deputy Commercial Tax Officer at Poorna Market, as Deputy Commercial Tax Officer at (Audit), Visakhapatnam, as Deputy Commercial Tax Officer at (Revisions), Vizianagaram. Later he was promoted as Commercial Tax Officer on 24-11-1997 and worked in the same capacity at (Int), Eluru, Akividu, Governorpet, and Narasannapeta. Subsequently he was promoted as Assistant Commissioner (Commercial Taxes) and worked at Nalgonda. Later he was promoted as Deputy Commissioner (Commercial Taxes) on 01-07-2013 and worked at Vijayawada-II and worked in the same capacity at Abids, O/o Commissioner of Commercial Taxes and Guntur-II. While working as Deputy Commissioner (Commercial Taxes), Guntur-II Division from 01-01-2014 to 31-12-2017, he committed grave misconduct in as much as he is head of the Division as a unit(including check post if any), overall administration and management of the division and provides necessary direction to the subordinate Officers etc., are his general functions. But he was failed to supervise his Sub-Ordinate staff who are working in the Boarder Check Post of Commercial Taxes, Pondugula and Vehicular Traffic Check Observation Point, Pulipadu adda road (Pondugula) and collecting mamools from the drivers/owners/cleaners of vehicles and an unaccounted amounts of Rs.27060/- at staff of check post and 9,100/- at staff of Vehicular Traffic Check point total Rs.36,160/- was found with them. He is not properly visiting the Check post and Vehicular Traffic Check points and also not issued suitable instructions to his Sub-Ordinate staff, even though there are several times, the Anti Corruption Bureau conducted Surprise Checks and seized unaccounted amounts from the staff. So he has failed to maintain absolute integrity, devotion to duty, conduct unbecoming Member of State Government Service and placed his official position under embarrassment by violating the provisions of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, Sri Meda Rambabu s/o Sreeramulu, Deputy Commissioner of Commercial Taxes Department, Guntur-II Division (now retired) by his above-mentioned acts, has exhibited lack of integrity, devotion duty and conducts unbecoming Member of State Government Service and thereby violated Rule 3(1)(2) & (5) of Andhra Pradesh Civil Services (conduct) Rules 1964.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OF MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI MEDA RAMBABU, DEPUTY COMMISSIONER OF COMMERCIAL TAXES DEPARTMENT, GUNTUR-II DIVISION (NOW RETIRED).

That Sri Meda Rambabu s/o Sreerarnuru, Deputy Commissioner of Commercial Taxes, Guntur-II Division is a native of T.S.Allagundla (Village & Post), Narasaraopet Taluk, Guntur District. His date of birth is 30-12-1957 and he joined in Government Service on 10-11-1981 as Assistant Commercial Tax Officer and worked at Visakhapatnam. Subsequently he was promoted as Deputy Commercial Tax Officer on 06-07-1991 and worked as Deputy Commercial Tax Officer at Poorna Market, as Deputy Commercial Tax Officer at (Audit), Visakhapatnam, as Deputy Commercial Tax Officer at (Revisions), Vizianagaram. Later he was promoted as Commercial Tax Officer on 24-11-1997 and worked in the same capacity at (Int), Eluru, Akividu, Governorpet, and Narasannapeta. Subsequently he was promoted as Assistant Commissioner (Commercial Taxes) and worked at Nalgonda. Later he was promoted as Deputy Commissioner (Commercial Taxes) on 01-07-2013 and worked at Vijayawada-ll and worked in the same capacity at Abids, O/o. Commissioner of Commercial Taxes and working as Deputy Commissioner (Commercial Taxes), Guntur-II Division from 01-01-2014 to 31-12-2017. He is drawing basic pay of Rs.1,03,290/- in the time scale pay of Rs.56870 – 105810/-. His date of attaining superannuation is 31-12- 2017. He is here in after referred to as Government Servant.

ARTICLES OF CHARGE

1) "That as per job chart, Government Servant is head of the Division as a unit (including check posts if any), overall administration and management of the division and provides necessary direction to the subordinate Officers etc., are his general functions. But G.S-13 was failed to supervise his Sub-Ordinate staff who are working in the Boarder Check Post of Commercial Taxes, Pondugula and Vehicular Traffic Check Observation Point, Pulipadu adda road (Pondugula) and collecting mamools from the drivers/owners/cleaners of vehicles and an unaccounted amounts of Rs.27,060/- at staff of check post and 9,100/- at staff of Vehicular Traffic Check point total Rs. 36,160/- was found with them. The Government Servant is not properly visiting the Check post and Vehicular Traffic Check points and also not issued suitable instructions to his Sub-Ordinate staff, even though there are several times, the Anti Corruption Bureau conducted Surprise Checks and seized unaccounted amounts from the staff."

FACTS IN EVIDENCE:

On credible information that the officials of the Commercial Tax Department including private persons of Boarder Check Post of Commercial Tax Department at Pondugula Village, Dachepalli Mandal, Guntur District have been collecting bribes/mamools from the drivers/cleaners/owners of the transport goods vehicles etc., through some private persons, the Deputy Superintendent of Police, Anti Corruption Bureau, Guntur has organized a Surprise Check in the said check post along with his staff in the presence of two mediators on 15-03-2016 between 05-30 am and 03.30 pm. The details are:-

On 14-03-2016 at 08-30 pm, the Deputy Superintendent of Police, Anti Corruption Bureau, Guntur secured the presence of two mediators, left office of Deputy Superintendent of Police, Anti Corruption Bureau, Guntur at 02.30 am on 15-03-2016 along with mediators and his staff and proceeded to Boarder Check Post of Commercial Taxes, Pondugula and reached the vicinity of the Check Post 04-45 am on the same day. The Surprise check party took vantage positions in and around the said Boarder Check Post and

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watched the activities of the staff and noticed that one person is stopping transport goods vehicles by whistling, taking away the drivers/cleaners of the transport goods vehicles to inside of the check post and in turn staff of check post who are 6 in number collecting some money from them even without verifying records. When some of the drivers/cleaners of the transport goods vehicle are denying to pay money to the staff, the staff are forced them to pay the amounts otherwise they will impose extra compounding fees. Further on the western side to the check post i.e., at a distance of about 30 meters to the check post, the VTC (Vehicular Traffic Check) observation party of commercial taxes are stopping vehicles near the said check post, which are not yet stopped at check post and they are also collecting mamools from the owners/drivers/cleaners of transport vehicles. There is TATA Indica Vista car vide its bearing No.AP-07-CG-1885 having a driver in its driver seat. When around 5 in number transport vehicle drivers/cleaners/ owners and one private person went inside the check post, the Deputy Superintendent of Police, while going to surprise the boarder check post at 5 AM, the Deputy Superintendent of Police instructed the District Inspector, Anti Corruption Bureau to go to the Vehicular Traffic Check observation party along with HC 2928 and bring all the persons who are collecting mamools from the vehiculars to the check post and that the Deputy Superintendent of Police himself entered inside the Boarder check post along with his remaining staff and mediators. By the time, 2 Assistant Commercial Tax Officers, 2 Senior Assistants, 2 Junior Assistants, 4 vehicle drivers and a private person were inside the check post. Accordingly, the said Inspector went there along with the said HC and brought all the persons to the check post. The Deputy Superintendent of Police introduced himself, mediators and other members of surprise check party to the occupants of the check post and explained them about purpose of surprise of check post. Further the Deputy Superintendent of Police has also ascertained the identity of the occupants of the check post as; 1) Sri T. Peter Babu, Assistant Commercial Tax Officer, 2) Sri P. Srinivasa Rao, Assistant Commercial Tax Officer, 3) Sri Sk. Mastan Vali, Senior Assistant, 4) Sri G. Prabhakar Babu, Senior Assistant, 5) Sri Md. Malik Jani Basha, Junior Assistant, and 6) Sri G. Gnana Sundaram, Junior Assistant.

Thereafter the Deputy Superintendent of Police got searched the premises of Check post and during search, the following amounts were found with the following staff at their respective tables' desks and dust bins; i.e. (1) Sri T. Peter Babu, Assistant Commercial Tax Officer Rs. 10,050/- (Rs.500 X 14; Rs.100 x 25; Rs.50 X 11) (from table desk), (2) Sri P. Srinivasa Rao, Assistant Commercial Tax Officer Rs. 6,250/- (Rs.500 X 6; Rs.100 x 25; Rs.50 X 6; Rs.20 X 5; Rs. 10 X 35) (from table desk), (3) Sri Shaik Mastan Vali, Senior Assistant, Rs. 3,130/- (Rs.500 X 2; Rs.100 x 20; Rs. 10 X 13) (from table desk), (4) Sri G. Prabhakara Babu, Senior Assistant, Rs. 3,030/- (Rs.500 X 2; Rs.100 x15; Rs.50 X 5; Rs.20 X 6; Rs. 10 X 16) (from plastic dust bin), (5) Sri Md. Malik Jani Basha, Junior Assistant, Rs.2,420/- (Rs.500 X 1; Rs.100 x 10; Rs.50 X 1; Rs.20 X 3; Rs. 10 X 81). (from table desk) and (6) Sri G. Gnana Sundaram, Junior Assistant, Rs. 2,180/- (Rs.500 X 1; Rs.100 x 8; Rs.50 X 1; Rs.20 X 2; Rs. 10 X 79) (from table desk)

Then the Deputy Superintendent of Police, Anti Corruption Bureau questioned the above staff about the presence of the above said cash in their respective tables' desks and dust bins, they did not give any valid reasons and kept silent. Further the Assistant Commercial Tax Officer T.Peter Babu stated that the amount found in his table's drawer is not his own, of the total amount arrive till 8 AM, Rs.5,000/- would be given to the Administrative Officer/Deputy Commercial Tax Officer, who is over all in-charge of the check post. Since the above amount i.e. total Rs.27,060/- was found desks of tables/plastic dust bins of the staff of check post, found unaccountable in the check post and the staff did not give any valid reasons

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for those amount, the above amount was seized suspecting that the amounts were collected in the form of mamools, by them from the drivers/cleaners/owners of the transport goods vehicles, for the purpose of further enquiry.

The following are the persons brought by the District Inspector and the Deputy Superintendent of Police, introduced himself, the other members of the search party and the mediators to them and ascertained their identity as; (1) Sri Mallela Surendra babu, Assistant Commercial Tax Officer, (2) Sri Mohammad Ibrahim, Senior Assistant, (3) Sri Manchineella Anjeneyulu, Junior Assistant, (4) Sri Macherla Raja Sekhar, Office Sub-Ordinate, (5) Sri Yedluri Venkatesh, Driver of the car No. AP07CG 188 and (6) Sri Guntagani Suresh, Data Entry Operator, O/o. Commercial Tax Officer, Piduguralla. Thereafter the Deputy Superintendent of Police got searched the staff of the Vehicle Traffic Point and Data Entry Operator by the mediators and the amounts found in their shirt pockets are tallied with personal cash register. Hence the amount found in their shirt pockets was returned to them.

Further on suspicion the Deputy Superintendent of Police has searched pant pockets of the above all 4 persons and found the following amounts in their pants back pockets, i.e. Sri Mallela Surendra Babu, Assistant Commercial Tax Officer, Rs. 4500/- (Rs.1000 X 2; Rs. 500 X 4; Rs.100 X 5), (2) Sri Mohammad Ibrahim, Senior Assistant, Rs. 2,000/-(Rs. 1000 X 1; Rs. 500 X 1; Rs. 100 X 5), (3) Sri Manchineella Anjeneyulu, Junior Assistant, Rs. 2,000/-(Rs. 1000 X 1; Rs. 500 X 1; Rs. 100 X 5) and (4) Sri Macherla Raja Sekhar, Office Sub-Ordinate, Rs. 600/- (Rs.100 X 5; Rs.50 X 1; Rs. 10 X 5) are found on the pant back pockets. When examined them about the presence of huge amounts in their possessions they did not come up with any explanation and be quite. Upon which the Deputy Superintendent of Police seized the above amount total of Rs. 9,100/- suspecting that the said amount was collected by the above four persons from the drivers/cleaners/owners of the vehicular ply on Narkatpalli-Addanki road by means of mamools.

The Deputy Superintendent of Police examined 6 vehicle drivers/ owners at boarders check post and on examination all they stated that the check post staff are being collected Rs.150/- for transit pass and giving receipt for Rs.50/- only. Further check post staff demanding money from other lorry drivers. They further stated that on 15-03-2016 early hours, their vehicles were stopped by check post staff and they demanded money. Mean while, Anti Corruption Bureau authorities surprised the check post.

Then the Deputy Superintendent of Police examined 3 vehicle drivers/ owners at Vehicular Traffic Check observation point and on examination all they stated that Vehicular Traffic Check observation staff are collecting mamools of Rs.1,000/- for each vehicle. They were also asked by the Vehicular Traffic Check staff though their vehicles were got checked at check post.

Sri Pinelli Krishna Reddy, Administrative Officer, Boarder Check post stated that actually he is a Deputy Commercial Tax Officer, Vinukonda. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad posted him as Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula on 19-01-2016 with duration of 3 months. He is overall incharge of the entire check post. Three shifts are being run at the check post. In each shift, 2 Assistant Commercial Tax Officers, 2 Senior Assistants, 4 Junior Assistant, and 2 office sub-ordinates are working. No touts/private persons allow to the check post. One of the Assistant Commercial Tax Officers who are acting as incharge might have allowed touts/private persons. He doesn't know the reasons why they were allowed inside the

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check post. Further it is not correct to say that he receives money of Rs. 5,000/- per shift from the staff of the check post. Concerned Assistant Commercial Tax Officers who are present during night shifts are responsible for uncountable cash during their shift.

Smt. Gorantla Manjula Rani, Commercial Taxes Officer stated that she has been working as Commercial Taxes Officer, Pidiguralla Circle since 19-08-2013. As per the written instructions of Deputy Commissioner, Narasaraopet Division she used to deploy Senior Assistant, Junior Assistant and Office Subordinates to assist Assistant Commercial Tax Officers who posts by the Deputy Commissioner of Commercial Taxes in Vehicular Traffic Check observations, at Pulipadu Cross road on Addanki-Narkatpalli state high way. She availed herself earned leave for 24 days on account of her daughter's marriage from 16-02-2016 to 10-03-2016. During her leave period Commercial Tax Officer Sattenapalli was kept as a FAC to her circle by the Deputy Commissioner. During that time Sri M. Surendra Babu, Assistant Commercial Tax Officer-I was deployed for Vehicular Traffic Check observations duty at Pulipadu cross road by Deputy Commissioner and inturn Commercial Tax Officer, FAC has deputed Sri Md. Ibrahim, Senior Assistant, V. Anjeneyulu, Junior Assistant, and Sri Raja Sekhar, Office subordinate are deputed to assist Assistant Commercial Tax Officer Sri M. Surendra Babu at Vehicular Traffic Check observation point for a period of 15 days from 01-03-2016 to 15-03-2016. On the request of Deputy Superintendent of Police she came to check post and present during proceedings. Further she came to know that Anti Corruption Bureau officials seized Rs. 9,100/- un accountable cash from the possession of Vehicular Traffic Check observation team, the Vehicular Traffic Check staff engaged a private vehicle vide bearing No. No.AP-07-CG-1885 instead of allotted vehicle in the duty chart vide its bearing No. ADM.1649, the duties of Vehicular Traffic Check staff i.e., to check missed goods loaded vehicles from check post etc., The Vehicular Traffic Check staff should not move from static unless chasing condition. No private person shall be allowed during duties by Vehicular Traffic Check staff and etc.,

The Deputy Superintendent of Police seized copies of relevant receipt of User Charges Receipt Book No.10 and relevant pages of Attendance Register under cover of Mediator Report.

Thus, the said Sri Meda Rambabu s/o Sreeramulu, Deputy Commissioner of Commercial Taxes Department, Guntur-II Division (G.S.13) (now retired) by his above mentioned acts, he exhibited lack of integrity, devotion to duty and conduct, unbecoming of a member of service by contravened Rule 3 (1) (2) (3) & (5) of Andhra Pradesh Civil Services (conduct) Rules 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI MEDA RAMBABU, DEPUTY COMMISSIONER OF COMMERCIAL TAXES DEPARTMENT, GUNTUR-II DIVISION (NOW RETIRED).

LIST OF DOCUMENTS

1. Mediators' report (Surprise Check Proceedings) drafted on 15-03-2016 at Commercial Taxes Boarder Check Post, Pondugula, Dachepalli Mandal of Guntur District.

2. Letter in CCT's Ref.D1/399/2016 dated:16-06-2016 of Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

3. If any document found necessary they will be produced at the time enquiry.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE — IV

LIST OF WITNESSES BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI MEDA RAMBABU, DEPUTY COMMISSIONER OF COMMERCIAL TAXES DEPARTMENT, GUNTUR-II DIVISION (NOW RETIRED).

LIST OF WITNESSES

1. Sri Sriram Srinivas s/o Narayana Rao, aged 45 yrs, Industrial Promotion Officer, Guntur Rural O/o General Manager, District Industries Centre, Guntur. R/o. D.No.26-39-117/A, 11th lane, AT Agraharam, Guntur. (Mediator-I)

2. Sri Sunkara Saidulu s/o Yesobu, aged 34 yrs, Junior Steno, O/o General Manager, District Industries Centre, Guntur R/o Quarter No.D-2, DM&HO. Compound, Opp. Collectorate, Guntur. (Mediator-II)

3. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

4. Sri T. Narasimha Reddy, District Inspector, ACB, Guntur.

5. Sri Ch.D.Santho, Dy. Supdt. Of Police, Anti-Corruption Bureau, Guntur.

6. If any witness found necessary they will be produced at the time enquiry.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER